IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.314 OF 2004

M.V. Henry. ...Applicant

V/s.

Shridhar Lakshman Chenuri & Ors. ...Respondents

Mr.D.N. Salvi for Applicant.

Mr.Anil Lalla i/b. M/s. Lalla & Lalla for Respondent No.1.

Mr.A.R. Khan for Respondent Nos.2, 3 and 5.

Mr.Atul Sarpande for Respondent No.4.

Mr.D.P. Adsule, A.P.P. for Respondent No.6 - State.

CORAM : A.S. AGUIAR, J.
DATED : SEPTEMBER 3, 2004.

P.C. :-

1. Mr.D.N. Salvi appears for applicant, Mr.Lalla for Respondent No.1, Mr.A.R. Khan for Respondent Nos.2, 3 and 5, Mr.Atul Sarpande for Respondent No.4 and Mr.D.P. Adsule, A.P.P. appears for Respondent No.6 - State.

2. The applicant-Intelligence Officer, Narcotics

Control Bureau, Mumbai Zonal Unit, prays for quashing of the order dated 3rd July, 2004 in N.D.P.S. Case No.49/2001 and for deferring the recording of evidence of witnesses in N.D.P.S. case No.49/2001 till Case No.81/2004 is taken up for trial and that both the cases be clubbed together for joint trial.

3. The application made before the Special Court has been rejected on the ground that all the prosecution witnesses, except two, have been examined. Furthermore, though the trial of Special Case No.49/2001 was expedited on the application of the prosecution, the accused Sukhwinder Singh Gill, Respondent no.5 herein and accused in Case No.81/2004 was shown as absconding accused in Case No.49/2001. Hence, his case was separated and the trial proceeded aginst the remaining accused.

4. Since the trial of the Special Case No.49/2001 is nearing completion and since the supplementary chargesheet has been filed against the present accused Sukhwinder, respondent herein, learned Special Judge was

right in rejecting the application. Hence, present petition also is required to be rejected and accordingly dismissed and disposed of.

(A.S. AGUIAR, J.)